

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

AMOS LEE DRYER,

Plaintiff,

VS.

KEVIN ROBERTS, et. al,

Defendants.

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CIVIL ACTION FILE NO.
1: 05-CV-161 (WLS)

RECOMMENDATION

Plaintiff, who is a *pro se* prisoner, has filed a motion to be allowed access to the law library at Valdosta State Prison for four hours at a time. However, all the defendants in this action were employees of the Georgia Department of Corrections at Calhoun State Prison.

In order to obtain injunctive relief, a plaintiff must prove that: 1) there is a substantial likelihood that he will prevail on the merits; 2) he will suffer irreparable injury unless the injunction issues; 3) the threatened injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party; and 4) the injunction, if issued, would not be adverse to the public interest. Zardui-Quintana v. Richard, 768 F.2d 1213, 1216 (11th Cir. 1985); Snook v. Trust Co. of Georgia Bank of Savannah, N.A., 909 F.2d 480, 483 (1990). Injunctive relief will not issue unless the conduct at issue is imminent and no other relief or compensation is available. Cunningham v. Adams, 808 F.2d 815, 821 (11th Cir. 1987).

The preliminary injunction is "an extraordinary and drastic remedy not to be granted unless the movant 'clearly carries the burden of persuasion' as to the four prerequisites; [furthermore], '[t]he burden of persuasion in all of the four requirements is at all times upon the plaintiff.'"

United States v. Jefferson County, 720 F.2d 1511, 1519 (11th Cir.1983) (quoting Canal

Authority v. Callaway, 489 F.2d 567 (5th Cir.1974)).

This court does not have jurisdiction over any officials at Valdosta State Prison. Therefore, it is the RECOMMENDATION of the undersigned that plaintiff's motion be **DENIED**.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may file written objections to this recommendation with the Honorable W. Louis Sands, United States District Court, Middle District of Georgia, WITHIN TEN (10) DAYS of receipt thereof

SO RECOMMENDED, this 23rd day of April, 2007.

//S Richard L. Hodge
RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE

msd